

410.015-RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of: :
MIDOUX et al :
Patent No. 6,372,499 :
Issued: April 16, 2002 :
For: POLYMERIC...CELL MEMBRANES: :
475 Park Avenue South :
New York, NY 10016 :

**REISSUE DECLARATION, POWER OF ATTORNEY AND PETITION OF
INVENTORS UNDER RULE 175**

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Patrick MIDOUX and Michel MONSIGNY are citizens of France and are residents of Orleans, France and Saint-Cyr-en-Val, France, respectively and are filing herewith an application for reissue of Letters Patent No. 6,372,499, issued April 16, 2002.

The undersigned have reviewed and understand the contents of the attached specification and claims with all the amendments thereto.

The undersigned verily believe them to be the original, first and joint inventors of the invention described and claimed in Letters Patent No. 6,372,459 and in the said reissue application, and for which invention it is solicited the reissue patent;

That the undersigned do not know and do not believe that the said invention was ever known or used in the United States before the invention thereof, or patented or described in any printed publication in any country before the invention thereof, or more than one year prior to the filing date of French Application Serial No. 96-13990 filed November 15, 1996 and PCT Patent Application Serial No. FR97/02022 filed November 10, 1997 or in public use or on sale in the United States more than one year prior to said French application Serial No. 96-13990 and Serial No. FR97/02022.

That the undersigned acknowledge their duty to disclose information that Applicants are aware of which is material to the patentability of this application in accordance with 37 CFR 1.56.

That the said invention has not been patented before the filing date of said application Serial Nos. 96-13990 and FR97/02022 in any country foreign to the United States on an application more than twelve months prior to the filing date of said application Serial Nos. 96-13990 and FR97/02022.

That the undersigned have reviewed and understand the contents of the attached specification and claims with all the amendments thereto.

That the application for patent on said invention has been filed by them or their representative or assigns in any country foreign to the United States, except as follows:
French Serial No. 96-13990 filed November 15, 1996 and PCT Patent Application Serial

No. FR97/02022 filed November 10, 1997. The priority benefit under 35 USC 119 is claimed herewith.

That the undersigned verily believe the original patent to be wholly or partly inoperative or invalid for the reason that, inadvertently and by mistake, without any deceptive intent, the patent did not clearly define the invention as claimed.

That, upon a recent review of the claims of U.S. Patent No. 6,372,499, it was ascertained that during the amendment of the claims as presented in the Preliminary Amendment of July 23, 1999, the limitation of the residue causing destabilization of cell membranes in a weakly acid medium was unintentionally limited by mistake without deceptive intent to the quinoline compounds in the amendment of July 17, 2001. That the fact that claim 2 of the patent contains subject matter not within the scope of claim 1 shows that the error was inadvertent.

That the present application is presented to correct this inadvertent error.

The undersigned appoint Charles A. Muserlian, Registration No. 19,683; Donald C. Lucas, Registration No. 31,275, c/o Muserlian, Lucas and Mercanti, 475 Park Avenue South, New York, NY 10016 its attorneys with full power of substitution or revocation, to prosecute the attached application and to transact all business in the Patent Office connected therewith.

Wherefore, the undersigned pray that reissue Letters Patent be granted to them for the invention or discovery described and claimed in the specification and claims of the attached reissue application and the undersigned hereby subscribe their names to the said specification and claims, Declaration, Power of Attorney and this Petition.

The undersigned Petitioners declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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